

10/528989

**Facsimile Transmission**

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 rjmoran@jonesday.com

205 MAR 18 PM 4:17

March 18, 2005

Please hand deliver the following facsimile to:

Name/Company:	Facsimile Number:	Telephone Number:
Ms. Patricia A. Small (USPTO, Office of Patent Publication)	703-746-4272	703-305-0333

From: Ricardo J. Moran, Ph.D.

JP No.: JP008326

Send copies to:

Re: In re Application of: Vogel  
 Appl. Ser. No.: 09/528,989  
 Filed: March 20, 2000  
 For: Injectable and Swellable Microspheres for Tissue Bulking

 Copies distributedOperator's initials

Direct Telephone No.: 202-879-5402

CAM No.: 405916-999034

Number of pages (including this page): 7

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**Message:**

Dear Ms. Small,

Further to our telephone conversation this afternoon, attached please find copies of the papers filed in support of the addition of Richard Thomas as an inventor in the captioned application.

Regards,

Ricardo J. Moran

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

DocID

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Hand Carried - 8/11/03

Serial No. 09/528,989

Inventor J. VOGEL et al.

For INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING

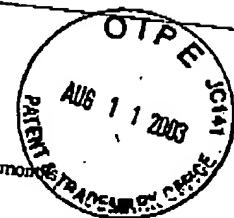
Filed 3/20/00

- Affidavit/Declaration
- Amendment  Response
- Application pages
- Claims Drawing Sheets
- Assignment  Cover Sheet
- Brief (in triplicate)
- Declaration & Power of Attorney
  - Executed  Unexecuted  Copy
- Declaration of Inventors
  - Executed  Unexecuted  Copy
- Design Application
- Disclaimer  Disclaimer Fee
- Disclosure Statement  Form PTO-1449
  - w/refs.  w/o refs.
- Drawings, Formal Sheets
- Figures

Other: Request for Correction of Inventorship; Petition and Statement In Support of Correction of Inventorship; Consent By  
 Assignee to Correction of Inventorship; Exhibit A;  
 File no.: 9676-292

- Fee Address Indication Form
- Fee Calculation
- Issue Fee Transmittal
- Notice of Appeal
- Oral Hearing Request/Confirm
- Petition to Extend Time 3 months
- Petition Under 37 C.F.R.
- Power of Attorney
  - By Assignee  Associate  w/Revocation
- Request for Correction of Filing Receipt
- Sequence Listing w/ Computer Readable and Paper Copy
- Small Entity Statement
- Status Letter
- Transmittal Letter
- Fee By Deposit Account 16-1150
- Statement In Support of Correction of Inventorship; Consent By

Sender: AMV/BCZ/zmb



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Group Art Unit: 1617

Examiner: L. WELLS

Attorney Docket No.: 9676-292

REQUEST FOR CORRECTION OF INVENTORSHIPCommissioner for Patents  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request that the inventive entity of the present application be amended to add Richard THOMAS as an inventor.

The inventive entity of the present application was set forth in error in the "DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION," executed on November 7 & 22, 2000 and filed on November 28, 2000. The error arose without any deceptive intention either on the part of the named inventors therein or on the part of Mr. Richard Thomas.

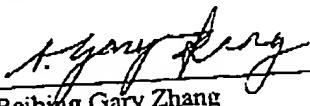
Pursuant to 37 C.F.R. § 1.48(a), Applicants submit herein the following documents:

- (1) A statement by Mr. Thomas;
- (2) A declaration by the actual inventors;
- (3) A written consent by assignee BioSphere Medical, Inc..

A fee of \$130.00 is believed due for this submission, pursuant to 37 C.F.R. §§ 1.48(a)(4) & 1.17(i). Please charge the required fee to Pennie & Edmonds LLP's Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date

August 11, 2003
  
 Beibing Gary Zhang 47,331  
 (Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)

 PENNIE & EDMONDS LLP  
 1667 K Street, N.W.  
 Washington, D.C. 20006  
 (202) 496-4400

DC1: 352670.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE  
BULKING

Group Art Unit: 1617

Examiner: L. WELLS

Attorney Docket No.: 9676-292

PETITION AND STATEMENT IN SUPPORT OF  
CORRECTION OF INVENTORSHIP UNDER 37 § 1.48(a)Commissioner for Patents  
PO BOX 1450  
Alexandria, Virginia 22313-1450

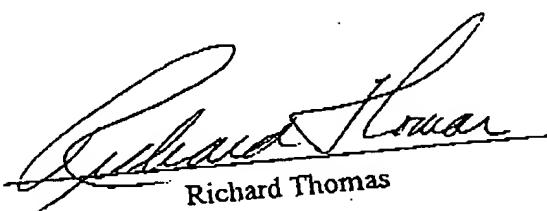
Sir:

*Lincoln, MA 01713*  
L. Richard Thomas, a citizen of the United States, residing at ~~556 Trapelo~~  
Read, Belmont, MA 02478, respectfully request, pursuant to 37 C.F.R. § 1.48(a), that the  
inventorship of the above-identified application be corrected to add my name as a co-  
inventor.

*190 Lincoln Rd  
8/8/03*

My name was omitted from the executed "DECLARATION FOR NON-  
PROVISIONAL PATENT APPLICATION," filed on November 28, 2000 through error. The  
error occurred without any deceptive intention on my part.

Date

8/8/03  
Richard Thomas

Aug-08-2003 01:05pm From-Ciphagen Biosystems Inc

T-650 P.002/003 F-075

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below or 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or as original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING

and for which a patent application:

is attached hereto and includes amendment(s) filed on 14/08/2003

was filed in the United States on March 20, 2000 as Application No. 09/528,989 with amendments filed on November 28, 2000, August 27, 2001, March 25, 2002, and Response to Restriction Requirement on November 28, 2002

was filed as PCT International Application No. 01/08330 and was amended under PCT Article 19 (as applicable)

I hereby state that I have reviewed and understood the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION

APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
			YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* To use only when the application is assigned to a company, partnership or other organization.

(1)

D01: 122028-1

T-650 P.003/003 F-075

Aug-08-2003 01:05pm From-Ciphergen Systems Inc.

+1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME VOGEL	FIRST NAME Jean-Marie	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Lincoln Berkshire	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP France
	POST OFFICE ADDRESS	STREET 5 oak Meadow Berkshire	CITY Lincoln Berkshire	STATE OR COUNTRY MA
	SIGNATURE OF INVENTOR JENNIE VOGEL <i>Jennie VOGEL</i>			DATE 7 AUGUST 2003
2 0 2	FULL NAME OF INVENTOR	LAST NAME BOSCHETTI	FIRST NAME Eliseta	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY CROISSY Essonne	STATE OR FOREIGN COUNTRY France	COUNTRY OF CITIZENSHIP France
	POST OFFICE ADDRESS	STREET 11, RUE COTE BELGE 91120 CROISSY	CITY CROISSY Essonne	STATE OR COUNTRY France
	SIGNATURE OF INVENTOR BOB BOSCHETTI <i>Bob BOSCHETTI</i>			DATE 8 August 2003
2 0 3	FULL NAME OF INVENTOR	LAST NAME THOMAS	FIRST NAME Richard	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY LINCOLN Berkshire	STATE OR FOREIGN COUNTRY MA	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 190 LINCOLN RD 56600 RUMBLE ROAD	CITY LINCOLN Berkshire	STATE OR COUNTRY MA
	SIGNATURE OF INVENTOR RICHARD THOMAS <i>Richard Thomas</i>			DATE 8/8/03
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF INVENTOR JON			DATE
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
	SIGNATURE OF INVENTOR JON			DATE

(2)

DCI:352025.1

TOTAL P.003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Group Art Unit: 1617

Filed: March 20, 2000

Examiner: L. WELLS

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

CONSENT BY ASSIGNEE TO CORRECTION OF INVENTORSHIPCOMMISSIONER FOR PATENTS  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

BioSphere Medical, Inc., a Delaware Corporation having an address at 1050 Hingham Street, Rockland, MA 02370, and owner of the entire right, title and interest in, to and under the invention and U.S. patent application serial no. 09/528,989, filed March 20, 2000 and identified by Pennie & Edmonds LLP docket no. 9676-292, entitled "INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING," hereby consents to amendment of said application to add the following actual inventor: Richard Thomas.

BioSphere Medical, Inc. certifies that it is the assignee of the entire right, title and interest in, to and under U.S. patent application Serial No. 09/528,989, pursuant to an assignment executed by Jean-Marie VOGEL and Egisto BOSCHETTI, the presently named inventors of the application, which was recorded on December 6, 2000 at Reel 011335, Frame 0117, in the Assignment Division of the U.S. Patent and Trademark Office. A copy of that Assignment, together with the Notice of Recordation of Assignment Document issued by the Office, is attached hereto as Exhibit A.

The undersigned has reviewed all of the documents in the chain of title of Application Serial No. 09/528,989 and believes, to the best of undersigned's knowledge, that the title is in BioSphere Medical, Inc. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

The undersigned further states that he has authority to act on behalf of BioSphere Medical, Inc.

BioSphere Medical, Inc.

Date Aug 7, 2005

By:

Jonathan R. McGrath

Vice President, Worldwide Research &amp; Development

OCL: 352680.1